

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

CLAUDALE ARMSTRONG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:14-cv-00036
	)	
JUDGE LEE RUSSELL and	)	Chief Judge Haynes
STATE OF TENNESSEE,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, Claudale Armstrong, filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants, Marshall County Circuit Judge Lee Russell and the State of Tennessee. (Complaint, Docket Entry No. 1.) Plaintiff also filed an application to proceed *in forma pauperis*. Because it is apparent from Plaintiff's submission that he lacks the funds to pay the entire filing fee in advance, Plaintiff's application to proceed as a pauper (Docket Entry No. 2) is **GRANTED**.

Pursuant to 28 U.S.C. §§ 1915(b) and 1914(a), Plaintiff is nonetheless assessed the \$350.00 civil filing fee.<sup>1</sup> The Administrator of the Marshall County Jail, as custodian of Plaintiff's prison trust account, is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to Plaintiff's credit at the jail; or (b) 20% of the average monthly balance to Plaintiff's credit for the six-month period

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<sup>1</sup> Effective May 1, 2013, the Judicial Conference of the United States established a \$50 administrative fee for filing a civil action in a United States District Court, as a result of which the fee for filing a new civil case increased from \$350 to \$400 (\$350 filing fee + \$50 administrative fee). The \$50 administrative fee, however, does not apply to cases filed by *pro se* prisoner plaintiffs who have been provisionally granted permission to proceed *in forma pauperis* under 28 U.S.C. § 1915.

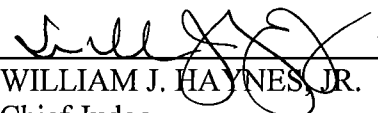
immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Thereafter, the custodian shall submit 20% of Plaintiff's preceding monthly income (or income credited to Plaintiff for the preceding month), but only when Plaintiff's monthly income exceeds \$10.00. 28 U.S.C. § 1915(b)(2). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. 28 U.S.C. § 1915(b)(3).

The Clerk of Court **MUST** send a copy of this order to the Administrator of the Marshall County Jail to ensure compliance with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the Jail Administrator must ensure that a copy of this order follows Plaintiff to his new place of confinement, for continued compliance herewith. All payments made pursuant to this order must be submitted to the Clerk of Court for the United States District Court for the Middle District of Tennessee, 801 Broadway, Nashville, TN 37203.

For purposes of the initial review required by the PLRA, as set forth in the accompanying Memorandum, the Court finds that the complaint is subject to dismissal because Defendants are absolutely immune from suit. The complaint is therefore **DISMISSED** in accordance with the PLRA, 28 U.S.C. § 1915(e)(2)(B)(iii).

It is so **ORDERED**.

**ENTERED** this the 27<sup>th</sup> day of March, 2014.

  
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WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court